

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2007-999-RMG

PROJECT MANAGER: Rebecca Gruber

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: May 1, 2007

At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Milwaukee

Center coordinates of site by latitude & longitude: 42.9625, -87.8702 (NAD 83)

Approximate size of site/property (including uplands) in acres: not/ind (linear route)

Name of waterway or watershed: Milwaukee and Pike/Root

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									not/ind
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A Wetland Delineation was received on 2/22/2007 from Graef, Anhalt, Schloemer, and Associates for Corps concurrence and Jurisdictional Determination. After reviewing data sheets, USDA soil surveys, wetland inventory maps and aerial photographs the Corps has found two wetlands and one pond to be isolated. Wetlands 55w1, 10Aw1 and pond 8698pl have no surface resources that are adjacent or tributary to and water of the US. No interstate commerce nexus was found. The mentioned wetlands and pond are not under regulation from the Corps of Engineers.

Ten wetlands were located along the project corridor were determined to be within the regulatory jurisdiction of the Corps. All wetlands have connection to waters of the US (one tributary to the Kinnickinnic, 5 tributary to Honey Creek to the Kinnickinnic, 3 tributary to Oak Creek on to Lake Michigan, and one tributary to the Root River). The Kinnickinnic River, Lake Michigan, and the Root River are all navigable waters of the US.